

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1-19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 1, 18 and 19, the Examiner argues that the recitations therein imply more than one independent retrieval condition. Although the objectionable language has been deleted therefrom, claims 1, 18 and 19 have also been amended to refer to --retrieval conditions--.

With regard to claims 18 and 19, the Examiner argues that the phrases “an input unit configured to one of set multimedia object data” and “multimedia object data one of set in and input to the” are unclear. In response, such phrases have been deleted from claims 18 and 19.

Accordingly, it is respectfully requested that the rejection of claims 1-19 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 1-6, 9, 10, 13-15 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,751,286 to Barber et al., (hereinafter “Barber”). Additionally, the Examiner rejects claims 7, 8, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of U.S. Patent No. 5,930,783 to Li et al., (hereinafter “Li”). Furthermore, the Examiner rejects claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Barber in view of U.S. Patent No. 6,748,398 to Zhang et al., (hereinafter “Zhang”). Lastly, the Examiner rejects claim 16 under 35 U.S.C. § 103(a) as

being unpatentable over Barber in view of U.S. Patent No. 6,363,376 to Wiens et al.,  
(hereinafter "Wiens").

In response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below. However, independent claims 1, 18 and 19 have been amended to clarify their distinguishing features.

Specifically, claim 1 has been amended to recite:

“displaying a retrieval condition setting area for setting a plurality of retrieval conditions as an independent area, the retrieval condition setting area being arranged in a matrix form in which each row and each column are respectively assigned to one independent feature;

allowing the user to place at least one multimedia object on one matrix element of the retrieval condition setting area; and

setting retrieval conditions using the features of the at least one multimedia object corresponding to the features assigned to the row and column of the matrix element on which the at least one multimedia object is placed.”

Independent claims 18 and 19 have been similarly amended. The amendment to claims 1, 18 and 19 is fully supported in the original disclosure, such as at Figure 6 of the Drawings and the accompanying description of the specification. Thus, no new matter has been entered into the disclosure by way of the present amendment to claims 1, 18 and 19.

Turning now to the prior art, Barber utilizes two axes (vertical axis and lateral axis) on a display of “Example Window 90” in Figure 5 to give instructions of position information regarding the location of the object information (color, category, shape, texture) in the image which is to be set as the retrieval condition. That is, the retrieval condition specified by the axes of the window is information of the “position” in the image which is to be the retrieval condition.

Thus, if a certain category, for example, “Bears” of Figure 5, is dragged and dropped in a position shown in Figure 5, the position with respect to the vertical and lateral

axes is specified to this position. Thus, it is impossible to give an instruction that, for example, if the category is positioned on the left side of the display, the position with respect to the vertical axis can be any position.

Barber, at column 8, lines 2-15, discloses that the weight coefficient is assigned when the user constructs a sample image on the image query window (23).

However, Barber does not disclose how the weight coefficient is assigned by the position in “Example Window 90” (embodiment of the image query window 23) of Figure 5.

On the other hand, in the method and apparatus for setting retrieval conditions recited in claims 1, 18 and 19, the feature to be used in the retrieval condition can be specified by the position in the retrieval condition setting area.

For example, in Figure 6 of an embodiment of the present application, when a certain thumbnail (A) is disposed in an area (upper right) under which it is described “Shape”, it is not expected that the object expressed by the thumbnail (A) is provided on the upper right portion of the image obtained as a retrieval result. In such a case, only the shape among the feature amount of the object of the thumbnail (A) is utilized to retrieve object data.

In Barber, when “Bears” is disposed on the upper right of “Example Window 90” in FIG. 5 an image in which the “Bears” are on the upper right is obtained as a retrieval result.

In contrast, if a photograph of a bear were to be disposed on the upper right (the area under which it is described “Shape”) of a retrieval condition setting window in Figure 6 of the present application, an image of which the shape is similar to a bear is obtained as the retrieval result. As only the shape is focused on, a texture different from the

bear disposed in the retrieval condition setting window, such as a panda, may be obtained as a retrieval result.

With regard to the rejection of claims 1-6, 9, 10, 13-15 and 17 under 35 U.S.C. § 102(b), a method for setting retrieval conditions having the features discussed above and as recited in independent claim 1, is nowhere disclosed in Barber. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”<sup>1</sup> independent claim 1 is not anticipated by Barber. Accordingly, independent claim 1 patentably distinguishes over Barber and is allowable. Claims 2-6, 9, 10, 13-15 and 17 being dependent upon claim 1, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-6, 9, 10, 13-15 and 17 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 7, 8, 11, 12 and 16 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 7, 8, 11, 12 and 16 are at least allowable therewith because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 7, 8, 11, 12 and 16 under 35 U.S.C. § 103(a).

With regard to the rejection of claims 18 and 19 under 35 U.S.C. § 103(a), the same, as amended, are not rendered obvious by the cited references because neither the Barber patent nor the Li patent, whether taken alone or in combination, teach or suggest an apparatus for setting retrieval conditions having the features discussed above and recited in independent claims 18 and 19. Accordingly, claims 18 and 19, as amended, patentably

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<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

distinguish over the prior art and are allowable. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 18 and 19 under 35 U.S.C. § 103(a).

Lastly, new claim 20 has been added to further define the patentable invention. New claim 20 is fully supported in the original disclosure, such as at Figures 10 and 11 of the Drawings. Thus, no new matter has been entered into the disclosure by way of the addition of new claim 20. Applicants respectfully submit that new claim 20 is at least allowable as depending upon an allowable base claim (1).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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